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Docket No.: NY-LUD 5298-US5-DIV
(PATENT)

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Dated: February 29, 2008

Signature:

(Fani Malikouzakis)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kohei Miyazono et al.

Allowed: January 8, 2008

Application No.: 10/630,555

Confirmation No.: 7477

Filed: October 31, 2007

Art Unit: 1646

For: ANTIBODIES WHICH BIND
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RECEPTOR LIKE KINASES

Examiner: B. D. Hissong

APPLICATION FOR PATENT TERM EXTENSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the "Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b)," dated January 8, 2008, the USPTO indicates that the patent term of this application will be adjusted by 597 days.

It is believed that this is incorrect, however, and that the term should be extended by 668 days. The reasons for this contention are as follows.

On April 28, 2006, the USPTO issued a Restriction Requirement, 575 days later than a first action should have issued.

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That action, however, was not a valid one, as the Examiner considered claims which had already been canceled, and did NOT consider the actual pending claims. Please note that on July 10, 2006, the USPTO VACATED the April 28, 2006 action, and issued a new one, on July 12, 2006.

It is believed that this additional 71 days should be added to the Patent Term.

The patent which will issue here from is not subject to a Terminal Disclaimer. Please see the Decision dated December 31, 2007, a copy of which is attached.

Pursuant to 37 C.F.R. § 1.705(iv)(A) and (B), it is believed that the remaining calculations carried out by the USPTO are correct.

The issue fee, due on April 8, 2008, has not yet been paid.

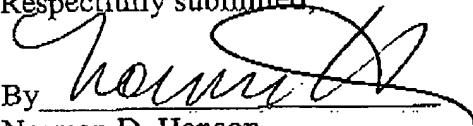
Pursuant to 37 C.F.R. § 1.18(e), a fee of \$200.00 is required and is authorized to charge the credit card. Form PTO-2038 is also attached.

Favorable action on this Application is requested.

The Commissioner is hereby authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 50-0624, under Order No. NY-LUD 5298-US5-DIV (10309270)) from which the undersigned is authorized to draw.

Dated: February 29, 2008

Respectfully submitted,

By 

Norman D. Hanson

Registration No.: 30,946

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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
 Miyazono et al.
Application No. 10/630,555
 Filed: July 30, 2003
 Attorney Docket No. NY-LUD 5298.5 DIV-
 US

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OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition filed September 17, 2007 requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed October 11, 2006 be withdrawn. The \$400.00 petition fee has been received.

The petition is granted.

Petitioners assert that, as the claims for which the aforementioned terminal disclaimer was originally proffered have now been amended [cancelled] to remove the basis for the previous obviousness-type double patenting rejection, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

This application is being forwarded to Art Unit 1646 for further processing.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3215

Charlema Grant

Charlema Grant
 Petitions Attorney
 Office of Petitions

FULBRIGHT & JAWORSKI, LLP
 666 FIFTH AVENUE
 Docketed Not Req'd Confirmation

Initials 1st _____ Initials 2nd _____

JAN 16 2008

Attorney: _____
 Docket No: _____